



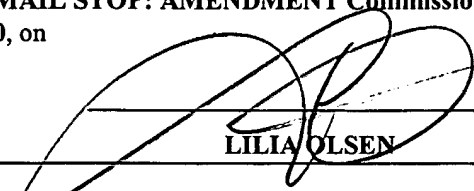
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PATENT
Docket No. 546322000304

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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July 30, 2004


LILIA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael W. GRAHAM et al.

Serial No.: 10/821,710

Filing Date: April 8, 2004

For: CONTROL OF GENE EXPRESSION

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with * were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/646,807, filed December 5, 2000, and, accordingly, copies are not included herewith.

This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 546322000304. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 30, 2004

Respectfully submitted,

By: Michael R. Ward
Michael R. Ward
Registration No. 38,651

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/821,710		
	Filing Date	April 8, 2004	
	First Named Inventor	Michael W. GRAHAM	
	Group Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	18 + 84 refs	Attorney Docket Number	546322000304

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter - 1 pg
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney - 1 pg	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input checked="" type="checkbox"/> Information Discl Stmt - 3 pgs PTO-1449 - 14 pgs w/ 272 listed refs; 84 refs attached 2 ISR's and 1 Written Opinion	<input type="checkbox"/> Request for Refund	RETURN RECEIPT POSTCARD
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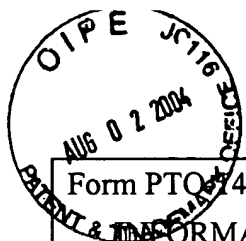
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael R. Ward MORRISON & FOERSTER LLP	CUSTOMER 20872
Signature	<i>Michael R Ward</i>	
Date	July 30, 2004	

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Form PTO/SB/449

Docket Number 546322000304

Application Number 10/821,710

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION***(Use several sheets if necessary)*

Applicant

Michael Wayne GRAHAM and Robert Norman RICE

Filing Date April 8, 2004

Group Art Unit 1632

Mailing Date

July 30, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	8/25/1998	* 5,798,265	Springer et al.			
	2.	7/4/2002	* 2002/0086356 A1	Tuschl et al.			
	3.	8/22/2002	* 2002/0114784 A1	Li et al.			
	4.	2/6/2003	* 2003/0027783 A1	Zernicka-Goetz			
	5.	4/29/1997	*5,624,803	Noonberg et al.			
	6.	4/25/2000	*6,054,299	Conrad			
	7.	7/23/2002	*6,423,885	Waterhouse et al.			
	8.	6/3/2003	*6,573,099	Graham			
	9.	9/29/1998	*5,814,500	Dietz			
	10.	1/14/2003	*6,506,559	Fire et al.			
	11.	2/1/94	*5,283,184	Jorgensen et al.			
	12.	7/27/93	*5,231,020	Jorgensen et al.			
	13.	7/23/91	*5,034,323	Jorgensen et al.			
	14.	12/10/96	*5,583,021	Dougherty, et al.			
	15.	11/11/97	*5,686,649	Chua, et al.			
	16.	2/3/98	*5,714,323	Oshima, et al.			
	17.	1/23/03	*2003/0018993 A1	Gutterson et al.			
	18.	2/20/03	*2003/0036197 A1	Glassman et al.			
	19.	3/20/03	*2003/0056235 A1	Fire et al.			
	20.	4/17/03	*2003/0074684 A1	Graham et al.			
	21.	09/04/03	2003/0165894 A1	Waterhouse et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	22.	6/9/99	* EP 0 921 195 A1	EP				
	23.	8/7/02	* EP 1 229 134 A1	EP				

EXAMINER:

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>				Docket Number 546322000304		Application Number 10/821,710	
				Applicant Michael Wayne GRAHAM and Robert Norman RICE			
				Filing Date April 8, 2004		Group Art Unit 1632	
				Mailing Date July 30, 2004			
	24.	1/13/00	* WO 00/01846	WIPO			
	25.	10/26/00	* WO 00/63364	WIPO			
	26.	4/26/01	* WO 01/29058	WIPO			
	27.	5/25/01	* WO 01/36646	WIPO			
	28.	1/18/01	* WO 01/04313	WIPO			
	29.	7/5/01	* WO 01/48183	WIPO			
	30.	11/22/01	* WO 01/88114	WIPO			
	31.	6/6/02	* WO 02/44321	WIPO			
	32.	1/23/03	* WO 03/006477	WIPO			
	33.	5/7/98	*WO 98/18811	WIPO			
	34.	10/21/99	*WO 99/53050	WIPO			
	35.	9/27/01	*WO 01/70949	WIPO			
	26.	4/3/03	*WO 03/27298	WIPO			
	37.	7/1/99	*WO 99/32619	WIPO			
	38.	4/20/95	*WO 95/10607	WIPO			
	39.	10/8/98	*WO 98/44138	WIPO			
	40.	3/21/96	*WO 96/08558	WIPO			
	41.	9/15/93	*EP 0560156A2	EPO			
	42.	5/27/99	*WO 99/25853	WIPO			
	43.	10/21/97	*EP 0242016	EPO			
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	52.	8/27/98	*WO 98/37213	WIPO			
	53.	9/30/99	WO 99/49029	WIPO			
	54.	02/01/01	AU 729454	Australia			
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	55.	11/12/92	WO 92/19732	WIPO				
	56.	01/20/94	WO 94/01550	WIPO				
	57.	12/02/99	WO 99/61631	WIPO				
	58.	08/03/00	WO 00/44895	WIPO				
	59.	08/03/00	WO 00/44914	WIPO				
	60.	06/14/95	EP 0465572	EPO				
	61.	08/31/95	WO 95/23225	WIPO				

OTHER DOCUMENTS (including author, title, Date, Pertinent Pages, Etc.)

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74.	*Marathe, Rajendra et al. (2000) "RNA viruses as inducers, suppressors and targets of post-transcriptional gene silencing" <i>Plant Molecular Biology</i> 43: 295-306.
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92.	*Moroni, M.C., et al. (1992) EGF-R Antisense RNA Blocks Expression of the Epidermal Growth Factor Receptor and Suppresses the Transforming Phenotype of a Human Carcinoma Cell Line. <i>Journal of Biological Chemistry</i> 267(4): 2714-2722.		
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	111.	*Depicker, A., et al. (1997), "Post-transcriptional Gene Silencing in Plants", Current Opinion in Cell Biology 9(3):373-382	
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		Filing Date April 8, 2004	Group Art Unit 1632		
		Mailing Date July 30, 2004			
	245.	Yee, Jiing-Kuan and Zaia, John A. (2001) "Prospects for Gene Therapy Using HIV-Based Vectors" Somatic Cell and Molecular Genetics, Vol. 26, Nos. 1/6: 159-173			
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<table border="1"> <tr> <td>EXAMINER:</td> <td>DATE CONSIDERED:</td> </tr> </table>				EXAMINER:	DATE CONSIDERED:
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271.	International Search Report mailed on May 10, 2001, for PCT patent application no. PCT/AU01/00297 filed March 16, 2001, 2 pages.
272.	Written Opinion mailed on April 17, 2004, for PCT application no PCT/US03/01177 filed September 9, 2003, 7 pages.

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